

CRITERIA ADDENDUM
APPLICATION FOR BENEFICIAL WATER USE PERMIT
SIDE A - FOR APPROPRIATIONS LESS THAN 5.5 CFS AND 4,000 AC-FT

Section 85-2-311(1), MCA, provides the Department shall approve a water use permit for an appropriation of less than 5.5 CFS and 4,000 AC-FT of water if the applicant proves by a preponderance of evidence the criteria listed below are met.

The information requested by this supplement together with the application is necessary for the Department to process an application. It is the applicant's responsibility to provide credible, relevant, and factual information upon which the Department may rely to support the issuance of a provisional permit.

It is your responsibility to obtain any necessary easement or right-of-way. If public lands are involved, such as State of Montana or BLM, contact the appropriate agency. The water right may need to be in their name.

***BASIN CLOSURE AREAS:** There are several closed basins in Montana. Within these basins, additional criteria must be met before a permit can be issued. Check with the local Regional Office to determine if your diversion is located within a closed basin.*

***WATER QUALITY CRITERIA:** If a party files a valid objection containing substantial credible information establishing to the satisfaction of the Department that the water quality criteria, as applicable, may not be met, the applicant will be required to prove the following: 1) the water quality of an appropriator will not be adversely affected; 2) the proposed use will be substantially in accordance with the classification of water set for the source of supply pursuant to 75-5-301(1); or 3) the ability of a discharge permit holder to satisfy effluent limitations of a permit issued in accordance with Title 75, chapter 5, part 4, will not be adversely affected.*

ON A SEPARATE ATTACHMENT FURNISH THE FOLLOWING:

1. information to prove there is water physically available at the proposed point of diversion in the amount you seek to appropriate;
2. information or data to prove water is legally available during the period and in the amount you request;
3. information to prove the proposed use of water will not adversely affect a prior appropriator using an existing water right, a certificate, a permit, or a state water reservation. Include how you plan to exercise and control your project to ensure prior appropriators will be satisfied.
4. describe the proposed means of diversion, construction, and operation of the diversion works you intend to use and present evidence to prove the means of diversion, construction and operation are adequate;
5. information and data to prove the proposed use is a beneficial use of water and the flow rate and volume requested is reasonable.

PROJECT PLAN & TIME LINE:

Once you receive your permit when will you begin construction? Provide a general project plan and time line for purchasing and installing equipment, the anticipated completion date, and a description of when and how much water will be put to beneficial use.

The completion date is the time by which the diversion works will be operating and the permitted water used to the fullest extent planned.